

**Attention is drawn to  
the order prohibiting  
publication of certain  
information in this  
determination**

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI  
TĀMAKI MAKĀURAU ROHE**

[2019] NZERA 260  
3032871

BETWEEN	COOPERAITKEN LIMITED Applicant
A N D	CAMERON ALEXANDER McGILL Respondent

Member of Authority: Rachel Larmer

Representatives: Mark Beech, Counsel for Applicant  
Phil Ahern, Counsel for Respondent

Investigation Meeting: 02 May 2019 at Auckland

Date of Determination: 02 May 2019

---

**CONSENT DETERMINATION OF THE EMPLOYMENT RELATIONS  
AUTHORITY**

---

**Employment relationship problem**

[1] During the Authority's investigation in to this matter, the parties informed the Authority that they had reached a settlement of all issues between them.

[2] Accordingly, by consent the Authority determines that:

- a. By being engaged in a business similar to CooperAitken's while employed by it, Mr McGill breached clause 25.1 of his employment agreement and his duty of fidelity to his employer;

- b. Mr McGill did not misuse Cooperaitken's confidential information;  
and
- c. The restraint in clauses 25.2 of Mr McGill's employment agreement is unenforceable.

[3] The parties have also entered into additional confidential terms of settlement which are recorded in a confidential Additional Terms of Settlement Agreement which was signed by both parties ("the settlement") today.

[4] By consent, the terms recorded in the Settlement now become final binding and enforceable orders of the Authority.

[5] The parties have agreed that the terms of the Settlement are to remain confidential and they have asked that a non-publication order be issued to enable that to occur.

[6] For the purposes of preserving confidentiality I make a further order pursuant clause 10 of the Second Schedule of the Employment Relations Act 2000 prohibiting the publication of the terms of Settlement.

[7] The Settlement is therefore not attached to this determination but will instead be held on the Authority's file and may not be accessed without the Authority's authorisation.

**Rachel Larmer**  
**Member of the Employment Relations Authority**